

TOWN OF HOPEDALE – ANNUAL TOWN MEETING WARRANT

Tuesday, April 12th, 2005 at 7:00 o'clock in the evening
in the Dennett Auditorium of the Junior/Senior High School

Worcester SS: To the Constables in the Town of Hopedale in the County of Worcester.
Greetings: In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Hopedale qualified to vote in town affairs to meet in the Dennett Auditorium of the Junior/Senior High School on Tuesday, April 12th, 2005, at 7:00 o'clock in the evening then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to hear and act upon the report of the Selectmen and other offices, departments, or committees of said town, or take any other action related thereto.

Submitted by: Board of Selectmen

ARTICLE 2: To see if the Town will vote, pursuant to GLc.41, §108 to fix the annual salary and compensation for each elected Town officer and further to see if the Town will vote to fix the annual compensation for special appointed officials for his/her service in fiscal year 2006, or take any other action related thereto.

Town Moderator (1)	\$ 200
Board of Selectmen (3)	\$ 6,500
Town Clerk (1)*	\$28,320
Road Commissioners (3)	\$ 2,200
Board of Health (3)	\$ 1,850
Park Commissioners (3)	\$ 1,600
Water/Sewer Commissioners (3)	\$ 2,200
Tree Warden (1)	\$ 1,000
Planning Board (5)	\$ 3,700
Board of Assessors (3)	\$ 4,100
Board of Registrars (3) appt.	\$ 1,600
Clerk to Registrars (1)	\$ 500
Zoning Board of Appeals (5) appt.	\$ 1,300
Finance Committee (9) appt.	\$ 950
School Committee (5)	\$ 5,500
Conservation Committee (5)	\$ 2,600

* Town Clerk is paid weekly; all others twice per year

Submitted by: Board of Selectmen

ARTICLE 3: To see if the Town will vote to authorize the Board of Selectmen to sell at public or private sale or auction, for such price as they consider equitable, and upon such terms and conditions as they deem necessary, parcels of vacant land presently owned by the town by reason of the foreclosure of tax titles thereon and to execute, acknowledge and deliver a proper deed or deeds. The total area of land sold to any one person shall not exceed two acres. A record of all sales giving the names and addresses of the Purchasers, the area and location of the land sold and the price sold therefore shall be kept by the Selectmen and shall be available for public inspection at all reasonable times, authority therefore to expire June 30, 2006 or take any other action related thereto.

Submitted by: Board of Selectmen

ARTICLE 4: To see if the Town will vote to raise and appropriate through assessments provided under GLc. 83, §16, and to be collected under GLc. 44, §53E bond issue payments of \$83,494 for the Sewer Department or take any other action related thereto.

Submitted by: Water and Sewer Commissioners

ARTICLE 5: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of monies into and/or out of the Stabilization Fund as provided under GLc. 40, §5B, or take any other action related thereto.

Submitted by: Finance Committee

ARTICLE 6: To see if the Town will vote to authorize the continued use of a revolving fund pursuant to GLc. 44, §53E1/2 for the purpose of funding a hazardous waste collection day and recycling program to include composting and yard waste and other related costs, which fund shall be credited with receipts from the Board of Health to be expended under the authority of the Board of Health, such expenditures not to exceed \$30,000.00 for the fiscal year 2006; or take any other action related thereto.

Submitted by: Board of Health

ARTICLE 7: To see if the Town will vote to authorize the continued use of a revolving fund pursuant to GLc. 44, §53E1/2 for the purpose of funding the operating costs of the animal control division of the Hopedale Board of Health, which fund will be credited with receipts for the boarding of stray animals, fines for violations, and the licensing of animals, to be expended under the authority of the Board of Health, such expenditures not to exceed \$10, 000.00 for the fiscal year 2006; or take any other action related thereto.

Submitted by: Board of Health

ARTICLE 8: To see if the Town will vote to authorize the Conservation Commission to spend without further appropriation in accordance with GLc. 131, §40 certain sums as received in filing fees from prior fiscal years, for the fiscal year 2006, or take any other action related thereto.

Submitted by: Conservation Commission

ARTICLE 9: To see if the Town will vote to authorize the Treasurer to borrow up to the sum of \$97,305 in anticipation of Chapter 90 State reimbursement funds for the purpose of providing road paving/improvement projects, or take any other action related thereto.

Submitted by: Road Commissioners

ARTICLE 10: To see if the Town will vote, pursuant to Town Bylaw, Chapter XXII-B, The Personnel Administration Bylaw, to adjust the percentage applicable to the compensation plan, or take any other action related thereto.

Submitted by: Personnel Committee

ARTICLE 11: To see if the Town will vote to raise and appropriate, borrow, or transfer from available Treasury funds, such sums of money as deemed necessary to defray Town charges for fiscal Year 2006 as contained in the Finance Committee Budget Report, or take any other action related thereto.

Submitted by: Finance Committee

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to convey a fee simple interest in the parcel of town owned land located at 16 Green Street, shown as Assessors Parcel ID 13-45-0 and described in the deed recorded with the Worcester South District Registry of Deeds in Book 7357, page 251, containing 7,800 square feet more or less, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate for a minimum purchase price or take any other action relative thereto,

Submitted by: Board of Selectmen

ARTICLE 13: To see if the Town will vote to amend its Zoning By-law by deleting the current Section 2.29A and replacing it with the following:

2.29A Lot Shape Factor/Residential Districts: To meet the minimum area requirements in Residential Districts, a lot must be a closed plot of land having a definite area and perimeter and having a Lot Shape Factor not exceeding the numerical value of 22 in the RA, RA-1, RA-2, RB, RP-1 and RC Districts, and such lots shall not be created to a depth greater than two (2) lots from the principal way. The Lot Shape Factor shall be the numerical value resulting from a division of the square of the perimeter in feet of a lot by the area in square feet thereof.

Submitted by: Planning Board

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$1,289.32 to pay the Town's annual assessment of costs and expenses of the Central Massachusetts Regional Planning Commission District, or take any other action relative thereto.

Submitted by: Board of Selectmen

ARTICLE 15: To see if the Town will vote to amend its bylaws Article II, as set forth in the Code of the Town of Hopedale, Chapter 121 section 121-3 by changing from “The Annual Town Meeting for the consideration of all business, other than the election of Town officers or other matters to be determined by ballot, shall be held on the second Tuesday in the month of April each year, commencing at 7:00 p.m. In the event that all articles on the warrant have not been acted on by the end of the session, the meeting shall stand adjourned to a time and date agreeable to the meeting by majority.”

to

“The Annual Town Meeting for the consideration of all business, other than the election of Town officers or other matters to be determined by ballot, shall be held on the third Tuesday in the month of May each year, commencing at 7:00 p.m. In the event that all articles on the warrant have not been acted on by the end of the session, the meeting shall stand adjourned to a time and date agreeable to the meeting by majority.”, or take any other action relative thereto.

Submitted by: Board of Selectmen

ARTICLE 16: To see if the Town will vote to raise and appropriate, or transfer from available funds, an amount not to exceed \$10,000 to be spent under the jurisdiction of the Park Commissioners, for the purpose of conducting a feasibility study and developing a conceptual master plan to construct athletic facilities at Draper Field, or take any other action in relation thereof.

Submitted by: Park Commissioners

ARTICLE 17: To see if the Town will vote to authorize the Parks Department, on behalf of the Town, to negotiate with the land owner of the parcel known as the Draper Ball Field parcel a method and means of transfer of ownership of said parcel to The Town of Hopedale, such transfer of ownership to the Town to be subject to Town Meeting approval.

Commentary: This non-binding vote would allow the Parks Department on behalf of town to negotiate with land owner of the Draper Ball Field parcel a method and means of transfer of ownership of said parcel to the Town of Hopedale.

Submitted by: Park Commissioners

ARTICLE 18: To see if the Town of Hopedale will vote to amend the Hopedale Zoning By-Laws by adding a new Section, this shall be Section 19 (nineteen), and shall read as follows:

SECTION 19: ADULT RETIREMENT COMMUNITY

1) PURPOSE The purposes of this section are:

- a) To provide an alternative housing opportunity for persons 55 years of age and older;
- b) To provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years;
- c) To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of this alternative housing type, and to better meet the specific housing needs of this segment of the population;

- d) To encourage the preservation of common land for open space and recreational use by promoting the highest and best utilization of land in harmony with its natural features.
- 2) **LOCATION** For the purposes of this Section, an Adult Retirement Community Overlay District shall be considered superimposed upon the other Residential Districts then existing. The rezoning of any or all of the land included in the Adult Retirement Community (hereinafter "ARC") Overlay District from one underlying zone classification to another shall not affect its inclusion in the ARC Overlay District, unless said land is specifically removed from the said ARC Overlay District.
- 3) **DEFINITIONS** For the purposes of this Section only, certain terms, words and phrases are herein defined as follows:
 - a) **ADULT RETIREMENT COMMUNITY (ARC)** A self-contained alternative residential community constructed expressly for and specifically limited to use and residency by at least one person who has achieved a minimum age requirement for residency of at least fifty-five (55) years. Children under the age of eighteen (18) may not reside in a senior residential dwelling unit for more than forty-five (45) days in any calendar year. In the event of the death of the qualifying owner/occupant(s) of a senior residential dwelling unit, foreclosure or other involuntary transfer such as by a Court Order of a senior residential dwelling unit which creates a disqualifying transfer, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household. Such developments shall comply in all respects to the requirements of MGL Chapter 151B, as it may be amended.
 - b) **COMMUNITY FACILITY (IES)** Developed common areas, constructed solely for the use of the residents of the ARC and their guests. The Community Facility(ies) may include buildings housing activities and amenities such as game room, entertainment room, sewing room, library, kitchen, laundry facilities, exercise room, toilet facilities, locker rooms for men and women, etc. Facility(ies) may also include outdoor activities and amenities such as swimming pools, gardens, paths, and walkways, putting greens, tennis courts and the like. All Community Facility(ies) shall be designed and maintained in conformance with the latest Massachusetts standards for handicap accessibility.
- 4) **PERMITTED USES** The use of land in an ARC Overlay District shall be limited to residential uses, whether single-family or multi-family in nature and those accessory uses presently allowed in all residential zones within the Town of Hopedale. No use of such property shall be made unless a Special Permit has been granted by the Planning Board, pursuant to the criteria for Special Permits as hereinafter set forth in this Section.
- 5) **ADULT RETIREMENT COMMUNITY GENERAL STANDARDS**
 - a) **Minimum Lot Size:** Each lot or contiguous lots upon which an ARC may be built shall be a minimum of ten (10) acres.
 - b) **Density Regulation:** No more than six (6) dwelling units, including the garages, whether attached or detached, appurtenant thereto shall be permitted for each acre of land which is made part of the application. Sixteen (16%) percent of the units built in each acre shall be designated as and deed restricted in perpetuity as affordable units. When there is a fractional composition of an acre included within the proposal, the first unit shall be designated as an affordable unit. The affordable units shall be priced and sold pursuant to the guidelines set forth in Massachusetts General Laws Chapter 40B.
 - c) **Restriction on Bedrooms:** No dwelling unit in an ARC shall have more than two (2) bedrooms.
 - d) **Minimum Living Area per Unit:** No dwelling unit in the ARC shall have less than eight hundred square feet (800 sq. ft.) of living area above and exclusive of any basement.
 - e) **19.5(e) Height Restrictions and Set Backs:**

- 1) No building in the ARC except a building which predates this section of the bylaw, shall be more than thirty-eight (38') feet in height, exclusive of the basement.
 - 2) Each building in the ARC shall face either upon an existing street or upon a private way constructed within said ARC and shall have a minimum front yard of not less than twenty-five (25') feet from the edge of the paved way to the closest point of the structure, and a side yard of not less than twenty-five (25') feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least twenty-five (25') feet distant from any other building by air line distance between the nearest points of the buildings.
 - 3) No part of any principal building in the ARC shall be less than one hundred (100') feet from any exterior lot line, or less than one hundred (100') feet from the side of any pre existing public way.
- f) **Minimum Frontage Requirements:** Each ARC shall have a minimum of fifty (50') feet of frontage on a way, whether public or private, existing as of the date of this Amendment to the Zoning By-Law.
- g) **Maximum Lot Coverage:** The total area of a site covered by Building footprint (dwellings and all other structures) and pavement (other than areas paved for recreation such as tennis courts and the like) shall not exceed thirty-five percent (35%). The Open Space cannot be exclusively wetlands and no wetland area can be greater than 20% of the designated sixty-five (65%) percent open space.
- h) **Access to Open Space and Common Land:** Each dwelling within the ARC shall have access to all common land within the ARC, provided however that nothing contained herein shall limit the Applicant from designating certain limited common areas for the creation of dedicated parking, decks, patios or amenities which are appurtenant to a specific dwelling unit.
- i) **Ownership of Common Land or Open Space:** All common or open space land hereunder shall be owned by a Condominium Association whose membership includes the owners of all units contained in the ARC. The developer shall include in the deed to owners of individual dwelling units beneficial rights in said common land, and shall grant a separate conservation restriction to the Town of Hopedale, satisfactory to the Hopedale Conservation Commission and the Planning Board, over such land pursuant to Chapter 184, Sections 31 - 33, General Laws, to insure its perpetual use for those purposes approved by the Condominium Association.
- j) **Construction of Roads and Improvements and Ownership Thereof:**
- 1) All roadways, utilities and improvements shall be owned in perpetuity by the Condominium Association and shall not be deeded to the Town of Hopedale.
 - 2) Roads and driveways within the development shall meet such width, grades and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
 - 3) Utilities, including sewer, water, electric, cable and gas shall be installed underground.
 - 4) As a condition of approval, the Planning Board may require the installation of one sidewalk.
- k) **Off Street Parking:** Each dwelling unit in the ARC shall be required to provide a minimum of two spaces, one of which may be outside a garage, provided however that any outside space shall be within 100 feet of the dwelling unit. Each dwelling unit shall have a minimum of one space in a garage, and the garage may be attached to the unit or

detached, provided however that any detached garage shall be located within 100 feet of the dwelling unit. In addition to the requirement of two spaces per dwelling unit, there shall be one additional space for each three dwelling units built; these added spaces may be located anywhere on the site. The Planning Board may, as a condition of the Special Permit, require the Applicant to provide additional off-street parking areas.

- l) **Building Styles:** All dwelling units in the ARC may be detached or attached and if attached only along sidewalls or by garages which are attached to a specific dwelling in the so-called townhouse (4) unit, triplex (3) unit or duplex (2) unit style. No more than 4 dwelling units may be attached.
- m) **Landscaping:** The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features. No disturbance to these features shall occur within fifty (50') feet of the perimeter boundary of the site, except that the access road to the development from the point of intersection to an existing public way shall be exempt from this requirement as there shall be easements necessary for utility connections.
- n) **Administration:**
 - 1) **Application Procedures** - To file an application for a Special Permit for a ARC dwelling unit or development, a party entitled to do so shall file an application complying with the Rules and Regulations of the Planning Board for Site Plan Review submittals. In addition, the following design and other documents shall be made a part of every such application with each site plan, architectural drawing, and statement required hereunder to be prepared by professionally trained and registered persons who are qualified by both education and experience to prepare the particular plan, drawing or statement involved.
 - (i) Architectural drawings including floor plans of dwelling units, overall building plans sections, elevations and construction details. This shall be supplemented by architectural renderings of proposed finished buildings and surroundings.
 - (ii) Written statement of proposal to include:
 - (a) a description of the number of parking spaces to be provided, the size and use of the facilities, including conveniences, to be constructed and the structural system to be employed;
 - (b) Computations showing the percentage of building area per lot area and stating the floor area of the planned dwelling units;
 - (c) An impact statement or statements depicting the projected effect of the proposed development in relation to the Intent and Objectives previously set forth herein and the suitability of the soils to accommodate sewage disposal systems shall be furnished by engineers, hydrologists and other parties as appropriate, all of whom shall be professionally qualified in their respective fields or independent at applicants cost.
 - (d) Financial information including the value of the units and the project upon completion, together with a schedule of completion and the estimated tax revenues of the project over a five -year period after completion. Included in the revenue schedule should be a projection of increased costs of public services from the project (i.e. schools, roads, police, fire, etc.).
 - (e) All other statements pertinent to the proposal, such as provisions for the permanent protection of open space, conservation areas and features of historical interest, said provisions to run with the land.
 - (f) A proposed Master Deed and Condominium Trust evidencing appropriate restrictions as an Adult Retirement Community.

- 2) **Bonding:** In granting the Special Permit, the applicant may be required by the Special Permit Granting authority (hereinafter “SPGA”) to file with the Town a bond or bonds or other security or securities satisfactory to the SPGA guaranteeing performance of the conditions of such Special Permit either by the entirety or by completion of phases thereof, all according to the terms of such Special Permit.
- 3) **Findings:** In granting a Special Permit, the SPGA shall make the following findings:
 - (i) The site is appropriate for senior residential use and there are supportive services within a reason able distance or reason able transportation services are being offered in the petition.
 - (ii) The use will not create a hazard or nuisance to abutters, vehicles or pedestrians on the site or adjacent roadways.
 - (iii) Adequate and appropriate facilities (e.g. parking and recreation) have been provided.
 - (iv) The development includes appropriate measures to control and mitigate drainage and traffic impacts.
 - (v) The development will not have a negative impact upon Town services.
 - (vi) Exterior design and layout is in harmony with the character of the surrounding properties and the Town.
 - (vii) The Development does not have a detrimental impact on the neighborhood or the natural environment and is in harmony with the long-range plan of the Town.

Submitted by: Planning Board

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide \$601,000 or some other amount, to pay costs of replacing water lines in Bancroft Park, Hope and Cemetery Streets, and for the payment of all other costs incidental and related thereto, or to take any other action in connection therewith.

Submitted by: Water Sewer Commissioners

ARTICLE 20: To see if the Town will vote to raise and appropriate, borrow, or transfer from available Treasury funds, such sums of money as deemed necessary to purchase land currently owned by Louis J. Noferi, said land shown as parcel 11-74-2 on the Hopedale Assessors map, being a portion of the premises as described in a deed recorded in the Worcester Registry of Deeds in Book 4982 Page 106, said land being located off Hopedale Street in the Town of Hopedale, and consisting of 3.18 acres of land more or less, for the sum of \$350,000 (Three Hundred and Fifty Thousand Dollars) or to take any action relative thereto.

Submitted by: Petitioners

ARTICLE 21: To see if the Town will vote to raise and appropriate through assessments provided under GLc. 83, §16, and to be collected under GLc. 44, §53E bond issue payments of \$44,501 for the Water Department or take any other action related thereto.

Submitted by: Water and Sewer Commissioners

ARTICLE 22: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$48,286 (\$45,495.40 principal and \$2,790.60 interest) to make the second of a three year lease to purchase payment to All American Investment Group, LLC., 730 17th Street, Denver, CO 80202, or take any other action in relation thereof.

Submitted by: Road Commissioners

ARTICLE 23: To see if the Town will vote to accept as a public way 1,106 square feet, more or less of Dudley Road, including the road, ways and utilities set forth on a certain plan of land entitled: “‘NEW HOMES AT EIGHT ROD ROAD’ LAYOUT PLAN OF DUDLEY ROAD IN HOPEDALE, MA SCALE: 40 FEET TO AN INCH DATE: AUGUST 31, 2004 Guerriere & Halnon, Inc. Engineering & Land Surveying 333 West Street, Milford, Mass. 01757 (508)473-6630 Fax: (508)473-8243”, which plan is to be recorded with the Worcester Registry of Deeds; and further to authorize the Road Commissioners to acquire by gift and to accept the deed to the Inhabitants of the Town of an easement in Dudley Road as shown on said plan, upon such terms and conditions as they shall determine appropriate, for the purposes of a public way, or take any other action related thereto.

Submitted by: Road Commissioners

ARTICLE 24: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$218,969 for the Town's assessment for the Blackstone Valley Vocational Regional School, or take any other action in relation thereto.

Submitted by: Blackstone Valley Vocational Regional School District

ARTICLE 25: To see if the Town will vote to increase the availability of tax exemptions to senior citizens owning real property pursuant to General Laws Chapter 59, sec. 5, Clause 41C, as authorized under Section 51 of Chapter 184 of the Acts of 2002 of the General Court, by approving an increase in the value of the tax exemption, currently \$4000 in valuation or \$500, whichever is greater, to \$4440 in valuation or \$555, whichever is greater, or take any other action relative thereto.

Submitted by: Assessors

ARTICLE 26: To see if the Town will vote to authorize the use of a revolving fund pursuant to GLc. 44, §53E1/2 for the purpose of funding the maintenance and operating budget of the South Hopedale Cemetery and other related costs, which fund shall be credited with receipts from the sale of lots under the authority and direction of the Board of Selectmen, such expenditures not to exceed \$2,500.00 for the fiscal year 2006; or take any other action related thereto.

Submitted by: Board of Selectmen

You are hereby directed to serve this Warrant by posting attested copies thereof at the three public places in different parts of the Town not less than seven days before the holding of said meeting. Hereof fail not to make the due return of the meeting aforesaid.

Given under our hands this 12th day of April 2005.

BOARD OF SELECTMEN

Michael E. Collins

Michael A. Milanoski
Chairman

Alan J. Ryan

A True Copy, ATTEST:

Posted in the Town Hall, Community House, and Post Office Lobby.

Constable

Date